

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION**

**NO. 2:17-CV-00004-FL**

**SAVE OUR SOUND OBX, INC., THOMAS ASCHMONEIT, RICHARD AYELLA, DAVID HADLEY, MARK HAINES, JER MEHTA, and GLENN STEVENS,**

**Plaintiffs,**

**v.**

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, JAMES H. TROGDON, III, in his official capacity as Secretary of the North Carolina Department of Transportation, FEDERAL HIGHWAY ADMINISTRATION, and JOHN F. SULLIVAN, III, in his official capacity as Division Administrator for the Federal Highway Administration,**

**Defendants,**

**and**

**DEFENDERS OF WILDLIFE and NATIONAL WILDLIFE REFUGE ASSOCIATION,**

**Defendant-Intervenors.**

**PLAINTIFFS' MOTION FOR AN INJUNCTION PENDING APPEAL**

[Fed. R. Civ. P. 62(c)]

Pursuant to Federal Rule of Civil Procedure 62(c), and for the reasons provided in the accompanying memorandum of law, Plaintiffs Save Our Sound OBX, Inc., Thomas Aschmoneit, Richard Ayella, David Hadley, Mark Haines, Jer Mehta, and Glenn Stevens respectfully move the Court to enjoin the Defendants from performing construction authorized by the Record of Decision pending resolution of their forthcoming appeal to the Fourth Circuit.

Dated: June 7, 2018

Respectfully submitted,

/s/ Michael K. Murphy

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## CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2018, I electronically filed a copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing, and pursuant to Local Civil Rule 5.1(e), shall constitute service upon, the following:

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This the 7th day of June, 2018.

/s/ Zia C. Oatley  
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